

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x Index No.: 14 CV 0565 (KAM) (VMS)

ANNETTE WILLIAMS
LISA ANDERSON,

Plaintiffs,

FIRST AMENDED COMPLAINT

DEMAND FOR JURY TRIAL

-against-

THE CITY OF NEW YORK, P.O. LISAURA SKLADEL and
SERGEANT KEVIN SHANAHAN all of the PSA 9,

Defendants.

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Annette Williams and Lisa Anderson, by their attorney, Chinyere Onwuchekwa, Esq.,
complaining of The City of New York, New York Police Department, and Police Officers
Lisaura Skladel and Sergeant Kevin Shanahan, upon information and belief, alleges as follows:

JURISDICTION

1. This is an action at law to redress the deprivation, under color of statute,
ordinance, regulation, custom or usage, by Defendants of the rights, privileges and immunities
secured to Plaintiff by the First, Fourth, Fifth and Fourteenth Amendments to the Constitution,
and by 42 U.S.C. §1983 [and §1985], and arising under the laws and statutes of the State of New
York and the City of New York.

2. Jurisdiction is specifically conferred on the United States District Court by
28 U.S.C. § 1331, this being an action arising under the Constitution and Federal law, and
by 28 U.S.C. § 1343(a)(3), this being an action authorized by law to redress the
deprivation, under color of statute, ordinance, regulation, custom or usage, of rights,
privileges and immunities secured to Plaintiff by the First, Fourth, Fifth and Fourteenth
Amendments to the Constitution, and by 42 U.S.C. §1983.

3. Venue is proper because the acts complained of herein occurred in
Brooklyn Kings
County, City and State of New York, which is in the Eastern District of
New
York.

PARTIES

4. During all times relevant and material to this Complaint, Plaintiff was, and still is, a legal resident of the United State, residing in Brooklyn, City and State of New York.
5. During all times relevant and material to this case, Defendant City of New York was a municipal corporation incorporated under the laws of the State of New York.
6. During all times relevant and material to this case, Defendant Police Officers were employees of Defendant City of New York through its Police Department.
7. During all times relevant and material to this case, the actions of the individual Police Officers complained of herein were done as part of the custom, practice, usage, regulation and/or direction of Defendants City of New York and New York Police Department (hereinafter NYPD), and Defendants City of New York and NYPD are as such responsible for the individual Defendants' actions. Defendant City of New York and NYPD are further responsible for the actions of the individual Defendants under the principal agent/*respondeat superior* rule.

FULFILMENT OF ADMINISTRATIVE PREREQUISITES

8. All conditions precedent for the filing of this action has been complied with:

written Notice of Claim, sworn to by Plaintiff, was served upon Defendant City of New York to the person designated by law as one to whom a summons against Defendant City of New York may be delivered in an action in the District Court.
9. At least thirty days have elapsed since the service of the Notice of Claim, and adjustment or payment of the claim has been neglected or refused.

FACTS COMMON TO ALL CAUSES OF ACTION

10. The incidents that gave rise to this Complaint transpired on March 12, 2013, at approximately 9:55 P.M., at or near Parsons Blvd Flushing NY, Queens County in the State of New York.
11. On the evening of March 12, 2013 at approximately 9:40 P.M, Plaintiffs were walking near their home, at or near Parsons Blvd Flushing NY, Queens County in the State of New York, when two uniformed Police Officers stopped them on the Street. The officers, male and female police officers approached the Plaintiffs and asked where they were coming from. The Plaintiffs responded that they were coming from their house. The police officers said they were “freaking lying” and kept questioning them, while yelling and screaming at them. Annette Williams one of the plaintiffs who had a stuttering problem tried to explain but was met with yelling and screaming from the police officers. The police officers began

to search the plaintiffs on the street. They were searched three times by the police officers including the male officer. Annette William's wig was taken off and searched in public view.

They were handcuffed in public view and humiliated. The police officers continued to scream and yell at the plaintiffs, completely flustered, the plaintiff s began to cry and asking what they have done wrong.

12. The officers proceeded to handcuff the plaintiffs in the plain view of onlookers.
13. The Plaintiffs amidst their cries and protest were subsequently thrown into the police van and taken to the 107th precinct.
14. At the Precinct, the plaintiffs were finger-printed, searched again and processed. They were held at the Precinct for approximately two (2) hours against their will.
15. The Plaintiffs was given DAT to appear in Queens's criminal court on 4/11/2013 and all charges against the plaintiffs were dismissed on 20th of September, 2013
16. Plaintiff was held at the Precinct for approximately two (2) hours against their will.
17. The plaintiffs suffered panic attack and went to Queens Hospital center located at 82-68 164th Street, Jamaica NY 11432, the next morning. The Plaintiffs began to see their private doctors for anxiety and panic attacks. The Plaintiffs reports continuing fear of police officers, other physical and emotional side effects of

hours of intimidation, harassment and detention.

18. The Plaintiffs have been damaged by the actions of the City of New York and its agents. They were falsely arrested, falsely imprisoned for over 3 hours, was intimidated and harassed, had their privacy and constitutional rights violated, and their person damaged for no just cause and lost respect and dignity before family and friends.
19. In light of the above, the Plaintiffs have been damaged by the actions of the City of New York and its agents, was arrested and imprisoned for over 3 hours without probable cause, and without reason to believe that she committed an offense. The Plaintiffs suffered and continues to suffer mental anguish, reputation injuries, psychological and emotional distress as a result of the actions that gave rise to this lawsuit.

AND AS FOR A FIRST CAUSE OF ACTION

20. The Plaintiffs repeats and re-alleges paragraphs 1 through 19 as if each paragraph is repeated verbatim herein.
21. The defendant police officers arrested and imprisoned Plaintiffs without probable cause, without a warrant and with malice and intentional disregard for their constitutional rights. The Defendants, acting under color of State Law, violated the Plaintiff's right to be free from unreasonable seizures, secured to them under the Fourth and Fourteenth Amendments to the Constitution, and their right not to be deprived of liberty without due process of law, secured to them under the Fifth and

Fourteenth Amendments. By denying Plaintiff's Constitutional rights under color of State Law, the Defendants violated 42 U.S.C. §1983.

22. As a result of this action the Plaintiffs were denied their freedom and liberty and suffered emotional and mental distress thereof. The Plaintiffs claims compensatory damages in the amount of \$2,000,000. In addition, because the defendant police officers acted with malice and intentional disregard for her Constitutional rights when they subjected her to unreasonable search and seizure, Plaintiffs seeks \$800,000 in punitive damages.

AND AS FOR A SECOND CAUSE OF ACTION

23. Plaintiffs repeats and re-alleges paragraphs 1 through 22 as if each paragraph is repeated verbatim herein.
24. In violation of Article 1 Section 12 of the New York State Constitution, and New York State Common Law, the defendant police officers falsely arrested and imprisoned Plaintiff for approximately 3 hours without probable cause, deprived them of their rights, remedies, privileges, and immunities guaranteed to her by said law.
25. Plaintiffs were denied their freedom and liberty, and therefore suffered emotional and mental distress as a result. The Plaintiffs claims compensatory damages in the amount of \$2,000,000 for the violation of their rights under Common Law and for her emotional and mental distress. In addition, because the defendant police officers acted with malice and intentional disregard for their Constitutional rights when they arrested and

imprisoned them, Plaintiffs seeks \$800,000 in punitive damages.

AND AS FOR A THIRD CAUSE OF ACTION

24. Plaintiff repeats and re-alleges paragraphs 1 through 23 as if each paragraph is repeated verbatim herein.
25. The defendant police officers were acting as agents of the City of New York when they committed the acts complained of herein, therefore, under the principal agent/*respondeat superior* rule, the City of New York is jointly and severally liable with the defendant police officers for the compensatory damages Plaintiffs sustained in the First and Second Causes of Action
26. The Plaintiffs claims compensatory damages in the amount of \$2,000,000 for the violation of these rights, which resulted in mental and emotional injuries. In addition, because the Defendants acted with malice and intentional disregard for their Constitutional rights, Plaintiffs seeks \$800,000 in punitive damages.

WHEREFORE, Plaintiff prays the Court for judgment as follows for each Cause of Action:

- i. \$2,000,000 in compensatory damages against all the defendants, jointly and severally;
- ii. \$800,000 in punitive damages against the individual defendant police officers, jointly and severally;

- iii. attorney's fees, plus the costs and disbursements of these actions against
all Defendants, jointly and severally;
- iv. such other relief as the Court may deem just, proper and equitable.

Dated: Brooklyn, New York
June 23, 2014

By: _____/S/_____
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